

REMARKS

Claims 37, 40, 41, 44 and 45 were examined in the Office Action dated April 22, 2003 and rejected solely based on 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,476,657 to Potter (“Potter”) in view of U.S. Patent No. 5,114,711 to Bell et al. (“Bell”). The Examiner essentially maintains the rejection for reasons of record. However, applicants submit that Potter is not properly citable art against the present application.

In particular, the present application comes under the provisions of 35 U.S.C. §103(c) regarding §102(e), (f) and (g) art as it was filed under 37 CFR §1.53(d) after November 29, 1999. See, MPEP §706.02(l)(1). Moreover, applicants are submitting a Statement Pursuant to MPEP 706.02(l)(2)(II), made by the undersigned, explaining that the subject matter of Potter and the claimed invention were, at the time the inventions were made, owned by the same person or subject to an obligation of assignment to the same person. Accordingly, Potter is not usable prior art pursuant to 35 U.S.C. §103(c). Reconsideration and withdrawal of the rejection of the claims under 35 USC §103 is therefore respectfully requested.

**CONCLUSION**

Applicants respectfully submit that the claims comply with the requirements of 35 USC §112, and define an invention which is novel and nonobvious over the art. Accordingly, allowance is believed to be in order, and an early notification to that effect would be appreciated.

If the Examiner notes any further matters which she believes may be expedited by a telephone interview, she is requested to contact the undersigned attorney at (650) 493-3400.

Respectfully submitted,

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